IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 7530 of 2006(U)

PETITIONER:

T.A. ABDUL JALEEL,
PALAMOKKU, AYILUR, ALATHUR TALUK, PALAKKAD DIST.

BY ADV. SRI.P.R.VENKATESH

RESPONDENTS:
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1. **THE COMMISSIONER OF EXCISE, TRIVANDRUM.**

2. **THE ASSISTANT EXCISE COMMISSIONER,**
   PALAKKAD.

3. **THE DISTRICT COLLECTOR, PALAKKAD.**

4. **SIVAPRAKASH,**
   LICENSEE, TODDY SHOP NO.57, ALATHUR RANGE,
   KIZHAKKETHARA, VANDAZHI, ALATHUR TALUK,
   PALAKKAD DISTRICT.

BY ADV. SRI.N.RAGHURAJ for R4
SMT.K.AMMINIKUTTY
BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.7530/2006 U

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE RELEVANT EXTRACT OF THE LICENCE OF THE 4TH RESPONDENT ISSUED BY THE 2ND RESPONDENT.**

EXT.P2: **COPY OF THE SKETCH OF THE ENTIRE AREA COMPRISING WARD NOS. 4 AND 5 OF VANDAZHY GRAMA PANCHAYAT.**

EXT.P3: **COPY OF THE REPRESENTATION DTD. 4/01/2006 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS 1 TO 3.**

2ND RESPONDENT'S EXHIBITS:

EXT.R2(A): **COPY OF THE JUDGMENT DTD. 27/08/2005.**

EXT.R2(B): **COPY OF THE G.O. DTD. 9/04/2004.**

/TRUE COPY/

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.7530 OF 2006-U

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Dated this the 14th day of March, 2007.

JUDGMENT

This writ petition includes a complaint that 4th respondent is having a toddy shop very close to a madrassa. The petitioner is a worshipper. He has also a complaint that the 4th respondent is operating outside his territorial limits in relation to the licence. The second among the questions raised in the writ petition is not being gone into by this Court because the petitioner is not a rival licence-holder and such question does not deserve to be entertained and considered in this writ petition. Since the petitioner has a complaint that the toddy shop in question is near to the madrassa (which is in a shortest distance), the statutory authorities will ensure that the distance rule is properly considered and obeyed. It will, obviously, be within the authority of the official respondents to decide

whether the institution now pointed out is an institution falling within the rule of prohibition.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-